



# STATE OF CONNECTICUT

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Testimony of Michelle Cruz, Esq., State Victim Advocate  
Judiciary Committee  
Friday, March 19, 2010

Good morning Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised House Bill No. 5524, An Act Concerning Criminal Records and Sentence Review**

The Office of the Victim Advocate (OVA) hears from many crime victims throughout the state that are frustrated and disappointed with the plea bargaining process. Crime victims have a constitutional right to be informed of the terms and conditions of any proposed plea and prior to the acceptance or rejection of the plea by the court, the crime victim has a constitutional right to address the court regarding the plea. Crime victims do not have the right to dictate a plea or veto a plea.

The plea bargaining process is extremely important for maintaining the flow of criminal dockets and for reaching a resolution in a criminal matter that may otherwise be unpredictable if it were to go to trial. The advantage of the plea bargain process is a two-way street; the state is relieved from having to try the case, while gaining a conviction and the defendant agrees to plead to some or reduced charges in exchange for a lesser penalty. Through the pre-trial negotiation stage between the state and defense, a mutually agreeable resolution is reached and this process resolves nearly 97% of all criminal matters in the state.

Once a plea bargain has been formally offered to a defendant, the court will consider statements from the state, the defendant and the victim prior to acceptance or rejection of the plea bargain. If the plea bargain is accepted by the court, the court will then "canvass" the defendant. The canvass is to ensure the defendant is aware and fully understands the terms and conditions of the plea bargain. Additionally, the canvass requires a finding by the court that the defendant understands the maximum penalty associated with each offense charged and the state's burden to prove each offense charged. Ultimately, the court makes a finding that the defendant understands the plea bargain and that the plea cannot be withdrawn if the defendant changes his/her mind.

CT Practice Book Rule § 39-27, allows, in limited circumstances, a procedure for a defendant wishing to withdraw a plea, including the fact that the plea was entered unknowingly or involuntary. This proposed legislation would allow a defendant to challenge an accepted plea that was entered into knowingly and willingly, after a colloquy by a judge, simply because he/she is no longer satisfied with the consequences of the agreed upon plea bargain. On its face, this practice would go against the legal

system's integrity, and additionally, has severe judicial economic ramifications as well as a never ending finality of the criminal matter from the victim's perspective. Defendants should not get another roll of "plea bargain" dice.

Section 4 of Raised House Bill No. 5524 would allow for a defendant to apply for a sentence review in cases where the court and the defendant have accepted a plea bargain. The OVA opposes this section as it will allow a defendant to seek a review of a sentence that has already been mutually agreed upon during the pre-trial negotiation stage. Presumably, a defendant that is not satisfied with the terms and conditions of a proposed plea bargain, including the period of incarceration, the defendant has the right to reject the plea bargain and pursue a trial. Additionally, this proposal will likely increase the number of sentence review applications submitted, notice to all parties will have to be sent, including the victim, and a hearing will have to be held on the sentence review. This is simply a repeat of what took place through the pre-trial negotiations and the plea hearing process. I urge the committee to strike Section 4 of Raised Bill No. 5524.

Thank you for consideration of my testimony.

Respectfully submitted,

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